

**SIXTY-SEVENTH DAY**

(Friday, May 12, 1939)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Stevenson.

The roll was called, and the following Senators were present:

|          |               |
|----------|---------------|
| Aikin    | Moore         |
| Beck     | Nelson        |
| Brownlee | Pace          |
| Burns    | Roberts       |
| Collie   | Shivers       |
| Cotten   | Small         |
| Graves   | Spears        |
| Hardin   | Stone         |
| Head     | of Galveston  |
| Hill     | Stone         |
| Isbell   | of Washington |
| Kelley   | Sulak         |
| Lanning  | Van Zandt     |
| Lemens   | Weinert       |
| Martin   | Winfield      |
| Moffett  |               |

**Absent—Excused**

|          |         |
|----------|---------|
| Metcalfe | Redditt |
|----------|---------|

A quorum was announced present.

The invocation was offered by the Chaplain.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

**Leaves of Absence Granted**

Senator Metcalfe was granted leave of absence for today on account of important business, on motion of Senator Lanning.

Senator Redditt was granted leave of absence for today on account of important business, on motion of Senator Pace.

**Reports of Standing Committees**

Senator Spears submitted the following report of the Committee on Labor:

Austin, Texas,  
May 12, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Labor, to whom was referred

H. B. No. 402, by Leyendecker, et al., A bill to be entitled "An Act amending Subdivision 83 of Article 1302, Title 32, Chapter 1, of the Revised Civil Statutes of the State of Texas, 1925, relating to the formation of private corporations to organize laborers, workingmen, wage earners, and farmers to protect themselves in their various pursuits; vesting authority in the Commissioner of Labor Statistics to make investigation concerning applications for charters and amendments to charters for such purposes; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, as amended, and be printed.

SPEARS, Chairman.

Senator Van Zandt submitted the following reports of the Committee on Civil Jurisprudence:

Austin, Texas,  
May 11, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 583, A bill to be entitled "An Act to amend Chapter 8, Trial of Causes, Subdivision 4, Charge of the Court, Articles 2184, 2185, 2186, 2187, 2188, 2189, and 2190 as amended of the Revised Civil Statutes of Texas, 1925, with respect to the submission by charge and special issues in civil cases; excepting cases adjudged before the effective date hereof; repealing all laws and parts of laws in conflict; and declaring an emergency,"

Have had the same under consideration and I am instructed to report it back to the Senate unfavorably with the recommendation that it do not pass.

VAN ZANDT, Chairman.

Austin, Texas,  
May 11, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 990, A bill to be entitled "An Act amending Article 7117, Revised Civil Statutes of the State of

Texas, 1925, as amended Act, 1929, Forty-first Legislature, First Called Session, Chapter 50, Page 109, Section 1, defining transfers in contemplation of death and providing for a tax on same; amending Article 7125, Revised Civil Statutes of the State of Texas, 1925, as amended Acts, 1929, Forty-first Legislature, Chapter 26, Page 60, Section 1, so as to more clearly define deductions permissible for inheritance tax purposes; etc., and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

VAN ZANDT, Chairman.

Senator Moore submitted at this time the following reports of the Committee on Game and Fish:

Austin, Texas,  
May 12, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 1072, A bill to be entitled "An Act amending H. B. No. 813, making it unlawful to hunt, shoot, or kill any deer or wild turkey for a period of five (5) years in Somervell, Coryell, Hamilton, Erath, Hood, and Johnson Counties, Texas; providing penalty therefor; and declaring an emergency,"

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOORE, Chairman.

Austin, Texas,  
May 12, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 1029, A bill to be entitled "An Act making it unlawful to kill or attempt to kill deer or wild turkey or molest same in Liberty County for a period of five (5) years; providing a penalty; repealing all conflicting laws; and declaring an emergency,"

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOORE, Chairman.

Austin, Texas,  
May 12, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 1005, A bill to be entitled "An Act making it unlawful to kill or attempt to kill deer or wild turkey or molest same in Red River County for a period of five (5) years; providing a penalty; repealing all conflicting laws; and declaring an emergency,"

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOORE, Chairman.

Austin, Texas,  
May 12, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 995, A bill to be entitled "An Act providing that it shall be unlawful to kill quail in Smith and Kaufman Counties except on certain days; providing the number of quail that can be killed in one day, and providing a penalty for violation of this Act,"

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendments and be not printed.

MOORE, Chairman.

Austin, Texas,  
May 12, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish to whom was referred

H. B. No. 1021, A bill to be entitled "An Act making it unlawful to use or possess oyster dredges in or on

certain waters of Copano Bay, with exceptions; providing the Game, Fish and Oyster Commission may issue permits to use dredges to improve reefs, and that this Act does not apply to privately owned reefs; providing that United States Geodetic Maps are admissible in case of prosecution for violation of fish and oyster laws; providing a penalty; repealing all laws or parts of laws in conflict herewith; and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOORE, Chairman.

Senator Roberts submitted the following report of the Committee on Finance:

Austin, Texas,  
May 12, 1939.

Hon. Coke R. Stevenson, President of the Senate:

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 1056, A bill to be entitled "An Act making an appropriation of Thirteen Thousand Dollars (\$13,000.00) or so much thereof as may be necessary, out of the Professional Engineers Fund on deposit in the State Treasury, to pay certain expenses prior to the end of the fiscal year, August 31, 1939; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the Committee Substitute hereto attached do pass in lieu of the original bill and be printed.

ROBERTS, Chairman.

Senator Cotten submitted the following report of the Committee on Insurance:

Austin, Texas,  
May 10, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred

H. B. No. 1067, A bill to be entitled "An Act providing that the securities issued by the Texas National Guard

Armory Board shall be legal and authorized investments for life insurance companies and other concerns, officials and persons, as mentioned in the Act, and for public funds, including sinking funds of cities, school districts, and other political corporations or subdivisions of said State, etc., and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass and be not printed.

COTTEN, Chairman.

#### Minority Report on House Bill 583

Senator Burns submitted the following minority report on H. B. 583:

Austin, Texas,  
May 11, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 583, A bill to be entitled "An Act to amend Chapter 8, Trial of Causes, Subdivision 4, Charge of the Court, Articles 2184, 2185, 2186, 2187, 2188, 2189, and 2190 as amended of the Revised Civil Statutes of Texas, 1925, with respect to the submission by charge and special issues in civil cases; excepting cases adjudged before the effective date hereof; repealing all laws and parts of laws in conflict; and declaring an emergency,"

Have had same under consideration, and we, a minority thereof, beg leave to report it back to the Senate with the recommendation that it do pass and be printed and that this report be substituted in lieu of the majority report hereto filed.

BURNS,  
GRAVES,  
PACE.

#### Senate Concurrent Resolution 50

Senator Moffett offered the following resolution:

Whereas, The State Highway Department of Texas has a large quantity of discarded guard wire in Archer County; and

Whereas, The City of Holliday and Holliday Independent School District of Archer County anticipates a large

number of people attending athletic events to be held in the near future; and

Whereas, It will be necessary and important to said School District to fence the grounds where said meet will be held; and

Whereas, It would be a great accommodation to said School District if the State Highway Department were permitted to loan said District the discarded wire hereinabove mentioned for the purpose of fencing the grounds; now, therefore, be it

Resolved, By the Senate, the House of Representatives concurring, that the State Highway Department of Texas be authorized to loan to the School Board of Holliday Independent School District sufficient quantities of the discarded wire hereinabove mentioned for the purposes as hereinabove set out, said School Board to return such wire upon request of the State Highway Department, and it is so resolved.

The resolution was read; and on motion of Senator Moffett, and by unanimous consent, it was considered immediately.

The resolution was adopted.

#### Senate Concurrent Resolution 51

Senator Moffett offered the following resolution:

Resolved, by the Senate of Texas, the House of Representatives concurring, That the said Mrs. Harvey Sharp, joined by her husband, T. J. Sharp, is hereby granted permission, to bring suit against the State of Texas and/or the State Highway Department, on account of such damages accruing by such accident, in the nature of injuries, suffering and pain, past, present and future, and medical expenses, past, present and future, accruing to the said Mrs. Harvey Sharp, because of the alleged accident and injury, caused by the negligence of the said Highway Department and/or the State of Texas, and in the manner alleged, and for any and all damages both for suffering and pain, past, present, and future, and for all said injuries, pain and suffering, past, present, and future, accruing to the said Mrs. Harvey Sharp, by reason of said negligence; and be it further

Resolved, That such suit may be

filed in Wichita County, Texas, in a Court of competent jurisdiction, at any time within two (2) years from the date this act takes effect; and be it further

Resolved, That service of all necessary process may be had upon the Attorney General of The State of Texas, and/or the Chairman of the State Highway Commission, with the same force and effect as in civil cases is made and provided, and provided that any of the parties hereto have the right to appeal; and be it further

Resolved, That the Attorney General, and/or the State Highway Commission, or either or both, be and are hereby authorized to compromise or otherwise settle and such suit, if in the opinion of the Attorney General, and/or the Highway Commission of The State of Texas, that the said Mrs. Harvey Sharp, is entitled to damages because of her injury, and that the State Comptroller be and is hereby authorized and instructed to settle and pay same in compliance therewith, and charge same against the State Highway fund; and be it further

Resolved, That said suit be tried according to the rules of law and procedure as to liability and defense of the State of Texas, and/or the State Highway Commission, that would be applicable if such suit were brought against a private corporation under the same facts and circumstances as provided by the laws of this State.

On motion of Senator Moffett, a full reading of the resolution was dispensed with.

The resolution was referred to the committee on State Affairs.

#### Motion to Take Up Senate Bill 91

Senator Stone of Washington moved that the regular order of business be suspended and that S. B. No. 91 be laid before the Senate on its second reading and passage to engrossment.

The motion was lost by the following vote (not receiving the necessary two-thirds vote):

Yeas—17

|          |        |
|----------|--------|
| Beck     | Graves |
| Brownlee | Head   |
| Collie   | Isbell |

|         |               |
|---------|---------------|
| Lanning | Small         |
| Moffett | Stone         |
| Moore   | of Galveston  |
| Nelson  | Stone         |
| Pace    | of Washington |
| Roberts | Van Zandt     |
| Shivers |               |

## Nays—11

|        |          |
|--------|----------|
| Aikin  | Lemens   |
| Burns  | Martin   |
| Cotten | Spears   |
| Hardin | Weinert  |
| Hill   | Winfield |
| Kelley |          |

## Absent

Sulak

## Absent—Excused

Metcalf                      Redditt

**Committee Substitute for House Bill 933 on Passage to Third Reading**

Senator Aikin moved that the regular order of business be suspended and that Committee Substitute H. B. No. 933 be laid before the Senate on its passage to third reading.

The motion prevailed by the following vote:

## Yeas—24

|          |              |
|----------|--------------|
| Aikin    | Martin       |
| Beck     | Moffett      |
| Brownlee | Nelson       |
| Burns    | Roberts      |
| Collie   | Shivers      |
| Graves   | Small        |
| Hardin   | Spears       |
| Head     | Stone        |
| Hill     | of Galveston |
| Isbell   | Van Zandt    |
| Kelley   | Weinert      |
| Lanning  | Winfield     |
| Lemens   |              |

## Nays—4

|        |               |
|--------|---------------|
| Cotten | Stone         |
| Moore  | of Washington |
| Pace   |               |

## Absent

Sulak

## Absent—Excused

Metcalf                      Redditt

The President then laid before the Senate on its passage to third reading (the bill having been read second time on Wednesday May 3, 1939):

Committee Substitute H. B. No. 933, A bill to be entitled "An Act making an appropriation for the next biennium, for the purpose of promoting public school interest and equalizing the educational opportunities afforded by the State to all children of scholastic age within the State; making allocations of said appropriation, setting forth the benefits thereof; authorizing aid to such schools in accordance with the conditions specified herein; providing for the maintenance for a certain length of term of all schools meeting the requirements of this Act; providing for the payment each year of the biennium of high school tuition for rural school pupils; providing for the payment of Transportation Aid under certain conditions; specifying the penalties for violations of any provision of this Act; declaring it to be unlawful for any agent or employee of the State to violate any provision of this Act, and prescribing the punishment therefor; providing all costs of administering funds named in this Act shall be paid out of moneys appropriated in this Act under authority of the State Superintendent of Public Instruction under the direction of the Supervisory Board as provided for in this Act; authorizing the State Superintendent of Public Instruction, under the direction of the Supervisory Board as provided for in this Act, to administer the funds appropriated herein; providing purposes for which funds appropriated hereunder may be used; providing for the method and manner of appointing certain employees; providing for application for aid; and declaring an emergency."

With the following amendment by Senator Nelson pending:

Amend Committee Substitute H. B. 933, Sec. 3, page 2, by striking out the words and figures in lines 57 and 58 as follows: "two and one-half (2½) miles" and substituting therefor the following: "three (3) miles."

Senator Aikin moved to table the amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

## Yeas—17

|          |        |
|----------|--------|
| Aikin    | Burns  |
| Beck     | Cotten |
| Brownlee | Hardin |

|         |               |
|---------|---------------|
| Head    | Stone         |
| Hill    | of Galveston  |
| Kelley  | Stone         |
| Lanning | of Washington |
| Lemens  | Van Zandt     |
| Pace    | Winfield      |
| Shivers |               |

## Nays—9

|         |         |
|---------|---------|
| Collie  | Nelson  |
| Graves  | Small   |
| Martin  | Spears  |
| Moffett | Weinert |
| Moore   |         |

## Absent

|         |       |
|---------|-------|
| Isbell  | Sulak |
| Roberts |       |

## Absent—Excused

|          |         |
|----------|---------|
| Metcalfe | Redditt |
|----------|---------|

Senator Nelson offered the following amendment to the bill:

Amend House Bill No. 933, Section 11, page 5, by adding after the words "Transportation Aid" in line 16, the following:

"and provided further that such transportation aid shall be advanced at the close of the first, second and third months of the school year, based upon the accepted report for the preceding year, such payments not to exceed fifty percent (50%) of the monthly grants of the preceding year."

The amendment was adopted.

Senator Nelson offered the following amendment to the bill:

Amend H. B. No. 933, Section 10, by adding a new sentence at the close of said section to read as follows:

"It is hereby provided that any receiving district shall be allowed to receive transportation aid upon any child lawfully transferred into such receiving district when the residence of such child is in closer proximity to the school house of the receiving district than that of his home district."

The amendment was adopted.

Senator Burns offered the following amendment to the bill:

Amend Committee Substitute for H. B. No. 933, page 3, Section 7, by inserting between lines 60 and 61 the following:

"And all salary aid schools of more

than six (6) teachers shall be allowed to budget on a twelve months basis an administrative or supervisory official for each ten (10) teachers allowed or fractional part of ten equal to six (6) teachers provided that the administrative or supervisory officials are charged to the teacher quota assigned to that school according to the next scholastic population."

Senator Weinert moved to table the amendment.

The motion to table prevailed by the following vote:

## Yeas—17

|          |               |
|----------|---------------|
| Aikin    | Martin        |
| Beck     | Moore         |
| Brownlee | Nelson        |
| Cotten   | Spears        |
| Graves   | Stone         |
| Hill     | of Galveston  |
| Isbell   | Stone         |
| Kelley   | of Washington |
| Lanning  | Van Zandt     |
| Lemens   | Weinert       |

## Nays—9

|         |         |
|---------|---------|
| Burns   | Pace    |
| Collie  | Shivers |
| Hardin  | Small   |
| Head    | Sulak   |
| Moffett |         |

## Absent

|         |          |
|---------|----------|
| Roberts | Winfield |
|---------|----------|

## Absent—Excused

|          |         |
|----------|---------|
| Metcalfe | Redditt |
|----------|---------|

Senator Shivers offered the following amendment to the bill:

Amend H. B. No. 933 (printed bill) page 3, Section 6, line 44, by striking out the following: "other than to increase salaries of teachers above the approved salary schedule."

Yeas and nays were demanded, and the amendment was adopted by the following vote:

## Yeas—24

|          |         |
|----------|---------|
| Aikin    | Hardin  |
| Beck     | Hill    |
| Brownlee | Isbell  |
| Burns    | Kelley  |
| Collie   | Lanning |
| Cotten   | Lemens  |
| Graves   | Martin  |

|              |               |
|--------------|---------------|
| Moffett      | Stone         |
| Moore        | of Washington |
| Pace         | Sulak         |
| Roberts      | Weinert       |
| Shivers      | Winfield      |
| Stone        |               |
| of Galveston |               |

Nays—4

|        |           |
|--------|-----------|
| Nelson | Spears    |
| Small  | Van Zandt |

Absent

Head

Absent—Excused

|         |         |
|---------|---------|
| Metcalf | Redditt |
|---------|---------|

Senator Shivers offered the following amendment to the bill:

Amend H. B. No. 933, line 56, Section 10, page 4, by striking out the following: "In no instance may aid be granted for pupils transported who attend a grade in another school which grade is taught in such pupils' home district."

The roll was called on the adoption of the amendment, and the vote announced: Yeas 14, nays 14.

The President voted "yea," and the amendment was adopted by the following vote:

Yeas—15

|               |               |
|---------------|---------------|
| Mr. President | Shivers       |
| Burns         | Small         |
| Graves        | Spears        |
| Hardin        | Stone         |
| Kelley        | of Galveston  |
| Lanning       | Stone         |
| Lemmens       | of Washington |
| Moore         | Winfield      |
| Nelson        |               |

Nays—14

|          |           |
|----------|-----------|
| Aikin    | Martin    |
| Beck     | Moffett   |
| Brownlee | Pace      |
| Collie   | Roberts   |
| Cotten   | Sulak     |
| Hill     | Van Zandt |
| Isbell   | Weinert   |

Absent

Head

Absent—Excused

|         |         |
|---------|---------|
| Metcalf | Redditt |
|---------|---------|

Question—Shall the bill be passed to third reading?

### Bills and Resolutions Signed

The President signed, in the presence of the Senate the following enrolled bills and resolutions:

H. B. No. 957, "An Act to prohibit seining, gigging, and taking fish by use of hands, or any other method other than by ordinary hook and line or set net, in any of the fresh waters of Bosque County, Texas; providing open season on set nets of not less than one and one-half (1½) inch mesh; providing for the taking of perch and catfish by the use of ordinary hook and line or by set nets not exceeding one and one-half (1½) inch mesh at any time; providing penalties for violation of the Act; repealing all laws and parts of laws therewith to the extent of the conflict only, and declaring an emergency."

H. B. No. 956, "An Act amending Article 1322 of the Revised Civil Statutes of the State of Texas, 1925, relating to the execution of deeds by corporations, and declaring an emergency."

H. B. No. 946, "An Act providing that in certain counties that it shall be unlawful for any person to trap or set a trap to deadfall on the inclosed or uninclosed land of another without the consent or permission of the owner of said land, and so that it shall be unlawful for any person, at any time, to trap or kill upon the posted or inclosed or uninclosed land of another, or be in possession of a muskrat or other furbearing animal or the hide of such animal, taken from such land, without the consent of the owner or lessee of such land; providing a penalty, and declaring an emergency."

H. B. No. 945, "An Act providing that in certain counties that whoever shall enter upon the inclosed or uninclosed land of another without the consent of the owner, proprietor or agent in charge thereof, and hunt with firearms or catch any game thereon, or thereon catch or take or attempt to catch or take and fish from any pond, lake, tank or stream on said land, or in any manner depredate upon the same, or take or attempt to take any property from the inclosed

or uninclosed land of another, shall be guilty of a misdemeanor; defining what constitutes "inclosed land," and specifying that proof of ownership or lease or agency may be made by parol testimony; providing a penalty, and declaring an emergency."

H. B. No. 697, "An Act to amend Article 2687, Revised Civil Statutes of Texas, 1925, prescribing the time of meeting of the County Board of School Trustees in counties containing a population of not less than fifty-three thousand, nine hundred and thirty (53,930) and not more than fifty-three thousand, nine hundred and forty (53,940), according to the last preceding United States Census; and providing for their compensation; providing the fund from which same shall be paid; prescribing the nature of certain of said meetings; providing this Act shall be cumulative of all existing laws on this subject but this Act shall apply where in conflict therewith, and declaring an emergency."

H. B. No. 637, "An Act to amend paragraph (c) of Section 1, and paragraph (c) of Section 2, of Chapter 299, H. B. No. 759, Acts of the Regular Session of the Forty-fifth Legislature; defining the word 'trapper,' and providing fees for licenses to engage in the taking of fur-bearing animals, and in selling the pelts thereof; repealing all laws in conflict, and declaring an emergency."

H. B. No. 988, "An Act amending Article 36 of the Revised Penal Code of the State of Texas, 1925 Revision, providing and naming when intoxication and use of narcotics shall mitigate the offense, and declaring an emergency."

H. B. No. 959, "An Act validating the organization of water control and improvement districts created by authority of Chapter 25, Acts of the Thirty-ninth Legislature, and amendments thereto in any county in the State of Texas having a population of not less than two hundred and fifty thousand (250,000) and not more than three hundred and ten thousand (310,000), according to the last preceding Federal Census; and validating all Acts of the officials in creating such districts; and validating all bonds issued and all bonds voted but not yet issued by such districts; validating

all acts of the officials of said district, and declaring an emergency."

H. B. No. 1012, "An Act validating County Line Common School Districts and County Line Consolidated Common School Districts in this State; validating all acts of the Board or Boards of Trustees in such Districts; validating acts of County Commissioners' Courts in ordering an election; validating all acts of County Judges in ordering elections; validating all acts of officials declaring the results of such elections; validating all bonds issued now outstanding; validating all tax levies heretofore made; and all bonds heretofore authorized or heretofore voted but not yet issued; validating all orders, notices and things requested in the authorization and issuance of bonds; validating the sale, execution and delivery thereof; validating each and every procedural act heretofore done or performed in the organization, management, control, and operation of such school districts, and declaring an emergency."

H. B. No. 196, "An Act releasing all penalty and interest accrued on ad valorem city taxes which were delinquent on June 1, 1938, in all cities in this State having a population of not less than two hundred thousand (200,000) nor more than two hundred and fifty thousand (250,000) by the last preceding Federal Census, provided said taxes are paid on or before June 1, 1939, and declaring an emergency."

H. B. No. 548, "An Act to fix the maximum rate of tax to be levied for school purposes in all independent school districts which include within their limits a city which has more than seven thousand, eight hundred and fifty (7,850) population, and fewer than eight thousand (8,000) population, according to the last Federal Census, whether under General or Special Law, repealing all laws in conflict herewith, both General and Special, and providing, further, that this Act shall not affect any such independent school district which at this time may have a larger authorized rate of taxation, and declaring an emergency."

H. C. R. No. 140, instructing the Enrolling Clerk of the Senate to make



certain changes in Senate Bill No. 220.

H. C. R. No. 141, instructing the Enrolling Clerk of the House to make change in House Bill No. 997.

H. C. R. No. 143, requesting the return to the House of S. B. No. 115 for correction.

#### Recess

On motion of Senator Aikin, the Senate, at 11:45 o'clock a. m., took recess to 2:00 o'clock p. m. today.

#### Afternoon Session

The Senate met at 2:00 o'clock p. m. and was called to order by the President Pro Tempore.

#### Senate Concurrent Resolution 48

On motion of Senator Weinert, and by unanimous consent, the regular order of business was suspended to permit consideration of S. C. R. No. 48 at this time.

The President Pro Tempore laid before the Senate:

S. C. R. No. 48, Authorizing Susan Robertson et al., to sue the State.

The resolution was read and was adopted.

#### House Bill 1007 on Second Reading

On motion of Senator Graves, and by unanimous consent, the regular order of business was suspended to permit consideration of H. B. No. 1007 at this time.

The President Pro Tempore laid before the Senate on its second reading and passage to third reading:

H. B. No. 1007, A bill to be entitled "An Act providing that in all counties in the State of Texas having a population of three hundred thousand (300,000) inhabitants or more, and less than three hundred and fifty-five thousand, (355,000) inhabitants, according to the last preceding Federal Census, and where such counties have purchased and adopted voting machines for the purpose of holding elections, the County Auditor upon order of the Commissioners' Court shall advertise for bids for the hauling and/or transporting voting machines to the various precincts in the

county; providing that the Commissioners' Court shall award contract to the lowest and best bidder; providing that the Commissioners' Court shall reserve the right to reject any and all bids; repealing all laws in conflict herewith, and declaring an emergency."

The bill was read second time and was passed to third reading.

#### House Bill 1007 on Third Reading

Senator Graves moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 1007 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—29

|          |               |
|----------|---------------|
| Aikin    | Moore         |
| Beck     | Nelson        |
| Brownlee | Pace          |
| Burns    | Roberts       |
| Collie   | Shivers       |
| Cotten   | Small         |
| Graves   | Spears        |
| Hardin   | Stone         |
| Head     | of Galveston  |
| Hill     | Stone         |
| Isbell   | of Washington |
| Kelley   | Sulak         |
| Lanning  | Van Zandt     |
| Lemens   | Weinert       |
| Martin   | Winfield      |
| Moffett  |               |

#### Absent—Excused

|         |         |
|---------|---------|
| Metcalf | Redditt |
|---------|---------|

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

#### Yeas—29

|          |         |
|----------|---------|
| Aikin    | Lanning |
| Beck     | Lemens  |
| Brownlee | Martin  |
| Burns    | Moffett |
| Collie   | Moore   |
| Cotten   | Nelson  |
| Graves   | Pace    |
| Hardin   | Roberts |
| Head     | Shivers |
| Hill     | Small   |
| Isbell   | Spears  |
| Kelley   |         |

|               |           |
|---------------|-----------|
| Stone         | Sulak     |
| of Galveston  | Van Zandt |
| Stone         | Weinert   |
| of Washington | Winfield  |

Absent—Excused

|         |         |
|---------|---------|
| Metcalf | Redditt |
|---------|---------|

#### House Bill 852 on Second Reading

On motion of Senator Nelson, and by unanimous consent, the regular order of business was suspended to permit consideration of H. B. No. 852 at this time.

The President Pro Tempore laid before the Senate on its second reading and passage to third reading:

H. B. No. 852, A bill to be entitled "An Act authorizing the Board of Directors of the Texas Technological College at Lubbock to lease at public auction for oil, gas, sulphur, and/or other mineral development all lands used as experimental stations and all other lands under its exclusive control; providing for the Texas Technological College Special Mineral Fund and the manner it is to be administered; providing for a permanent fund and the expenditures of the income from same prescribing the mode and manner of said oil, gas, sulphur and other mineral leases on said land; appropriating certain moneys received between the effective date of the Act and August 31, 1939, to the use of the Texas Technological College, its branches and divisions, authorizing necessary subdivision; procuring of abstracts, and advertisement with respect to sale of said leases; providing penalty for delay in drilling; etc., and declaring an emergency."

The bill was read second time.

(Senator Roberts in the Chair)

Senator Nelson offered the following amendment to the bill:

Amend H. B. No. 852, Section 7, Subsection d, by striking out all of said subsection and substituting therefor the following:

"The drilling for and the production of oil, gas and other minerals from such lands shall be governed by and under the control of the Railroad Commission of Texas or such other

regulatory bodies as may govern same just as in other fields in this State."

The amendment was adopted.

Senator Burns offered the following amendment to the bill:

Amend H. B. No. 852 by adding a new section:

"The Board of Regents of the Teachers Colleges are hereby conferred the same authority."

The amendment was lost.

Senator Kelley offered the following amendments to the bill:

(1)

Amend H. B. No. 852 as follows:

1. By inserting after the words "the Board of Directors of the Texas Technological College Lubbock" in lines 38 and 39, page 1, the words "and the Texas College of Arts and Industries at Kingsville."

2. By striking out the word "is" in line 39, page 1, and inserting in lieu thereof the word "are."

3. By striking out the words "its exclusive control" in line 2, page 2, and inserting in lieu thereof the words "under the exclusive control of each Board."

4. By inserting after the words "the Texas Technological College and its divisions" in lines 3 and 4, page 2, the words "and the Texas College of Arts and Industries and its divisions."

5. By inserting after the words "the Texas Technological College and its divisions" in lines 5 and 6, page 2, the words "and the Texas College of Arts and Industries and its divisions."

6. By inserting after the words "the Texas Technological College Special Mineral Fund" in lines 8 and 9, page 2, the words "and the Texas College of Arts and Industries Special Mineral Fund."

7. By inserting after the words "the Texas Technological College and its branches or divisions" in lines 11 and 12, page 2, the words "and the Texas College of Arts and Industries and its branches or divisions."

8. By inserting after the words "the Texas Technological College"

in line 15, page 2, the words "and the Texas College of Arts and Industries."

9. By inserting after the word "of" and before the word "said" in line 16, page 2, the word "each."

10. By inserting after the words "the Board of Directors of the Texas Technological College" in lines 22 and 23, page 2, the words "or the Board of Directors of the Texas College of Arts and Industries, as the case may be."

11. By striking out the words "the college" in line 24, page 2, and inserting in lieu thereof the words "each college."

12. By striking out the words "the Board" in lines 25 and 31, page 2, and inserting in lieu thereof the words "each Board."

13. By striking out the words "the Board" in lines 36 and 39, page 2; lines 1 and 2, 6, 11, 12, 16, 18, 21, 22, 28, 29, 31, 36 and 38, page 3; lines 1, 2, 10, 22, 27, 32, 38, page 4; lines 1, 3, 11, 12, 14, 19, 23, 24, 26, page 5; lines 22, 27, page 6; line 31, page 7; lines 8, 9, 10, 14, 36, 38, 40, page 8; and inserting in lieu thereof, in each instance, the words "such Board."

14. By inserting after the words "the Texas Technological College at Lubbock, Texas" in lines 13 and 14, page 3, the words "or at the Texas College of Arts and Industries at Kingsville, Texas, as the case may be."

15. By inserting after the words "a Technological College" in lines 13 and 14, page 4, the words "or a College of Arts and Industries."

16. By inserting after the words "Technological College purposes" in line 18, page 4, the words "or for all purposes of a College of Arts and Industries."

17. By inserting after the words "Technological College" in line 21, page 4, the words "or said College of Arts and Industries, as the case may be."

18. By inserting after the words "said Board" in line 10, page 7, the words "or any member of the Board of Directors of the Texas College of Arts and Industries or any duly authorized representative of said Board, as the case may be."

19. By inserting after the words

"the Texas Technological College" in line 12, page 7, the words "or to the Board of Directors of the Texas College of Arts and Industries, as the case may be."

20. By inserting after the words "the Texas Technological College" in lines 18 and 19, page 7, the words "or to the Texas College of Arts and Industries, as the case may be."

21. By inserting after the words "the Texas Technological College" in line 26, page 7, the words "or the Texas College of Arts and Industries, as the case may be."

22. By inserting after the words "the Texas Technological College" in line 34, page 8, the words "or the Texas College of Arts and Industries, as the case may be."

23. By inserting after the words "special purposes" in line 20, page 9, the words "and the Texas College of Arts and Industries and its divisions acquired for special purposes."

(2)

Amend H. B. No. 852 as follows:

1. By inserting after the words "the Texas Technological College at Lubbock" in lines 9 and 10, page 1, the words "and the Texas College of Arts and Industries at Kingsville."

2. By inserting after the words "the Texas Technological College Special Mineral Fund" in lines 13 and 14, page 1, the words "and the Texas College of Arts and Industries Special Mineral Fund."

3. By inserting after the words "the Texas Technological College" in line 20, page 1, the words "and the Texas College of Arts and Industries."

4. By striking out the word "its" in line 20, page 1, and inserting in lieu thereof the word "their."

5. By inserting after the words "the Texas Technological College" in lines 25 and 26, page 1, the words "and the Texas College of Arts and Industries."

6. By striking out the words "as a college and/or farm" in line 26, page 1, and inserting in lieu thereof the words "as colleges and/or farms."

7. By inserting after the words "the Board of Directors" in line 31, page 1, the words "of each college."

8. By striking out the words "the

Board" in line 32, page 1, and inserting in lieu thereof the words "each Board."

9. By striking out the words "said Board" in line 33, page 1, and inserting in lieu thereof the words "each Board."

The amendments were adopted severally.

The bill was passed to third reading.

#### House Bill 852 on Third Reading

Senator Nelson moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 852 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

|          |               |
|----------|---------------|
| Aikin    | Nelson        |
| Beck     | Pace          |
| Brownlee | Roberts       |
| Collie   | Shivers       |
| Cotten   | Small         |
| Graves   | Spears        |
| Hardin   | Stone         |
| Hill     | of Galveston  |
| Isbell   | Stone         |
| Kelley   | of Washington |
| Lanning  | Sulak         |
| Lemens   | Van Zandt     |
| Martin   | Weinert       |
| Moffett  | Winfield      |

Nays— 1

Burns

Absent

Head Moore

Absent—Excused

Metcalf Redditt

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—24

|          |         |
|----------|---------|
| Aikin    | Graves  |
| Beck     | Hill    |
| Brownlee | Isbell  |
| Collie   | Kelley  |
| Cotten   | Lanning |

Martin  
Moffett  
Nelson  
Pace  
Roberts  
Shivers  
Small  
Spears

Stone  
of Galveston  
Stone  
of Washington  
Sulak  
Van Zandt  
Weinert  
Winfield

Nays—1

Burns

Absent

Hardin Lemens  
Head Moore

Absent—Excused

Metcalf Redditt

#### Senate Bill on First Reading

Senator Winfield moved that the legislative rule relative to the introduction of bills after the first 60 days of the Regular Session of the Legislature be suspended to permit his introducing a general bill at this time.

The motion prevailed by the following vote:

Yeas—29

|          |               |
|----------|---------------|
| Aikin    | Moore         |
| Beck     | Nelson        |
| Brownlee | Pace          |
| Burns    | Roberts       |
| Collie   | Shivers       |
| Cotten   | Small         |
| Graves   | Spears        |
| Hardin   | Stone         |
| Head     | of Galveston  |
| Hill     | Stone         |
| Isbell   | of Washington |
| Kelley   | Sulak         |
| Lanning  | Van Zandt     |
| Lemens   | Weinert       |
| Martin   | Winfield      |
| Moffett  |               |

Absent—Excused

Metcalf Redditt

The following bill then was introduced, read first time, and referred to the committee indicated:

By Senator Winfield:

S. B. No. 461, A bill to be entitled "An Act providing that any person of good moral character who, on May 22, 1937, had been engaged in the practice of architecture in this State for a period of at least six months prior to said date and who failed to

obtain a registration certificate as provided for in Section 7 of Chapter 478, Acts of 1937, Forty-fifth Legislature, may have thirty (30) days from the date upon which this Act goes into effect in which to file with the Board of Architectural Examiners the affidavit and pay the fee of \$25.00 in order to obtain a certificate authorizing such person to practice Architecture in the State of Texas, as provided in said Act, and further amending said Act; and declaring an emergency."

Referred to Committee on State Affairs.

#### House Bill 1003 on Second Reading

On motion of Senator Stone of Galveston, and by unanimous consent, the regular order of business was suspended to permit consideration of H. B. No. 1003 at this time.

The Presiding Officer laid before the Senate on its second reading and passage to third reading:

H. B. No. 1003, A bill to be entitled "An Act to fix the salaries and compensation of County Commissioners in counties with a taxable valuation of not less than Fifty-one Million, One Hundred Thousand (\$51,100,000) Dollars nor more than Fifty-one Million, Four Hundred Thousand (\$51,400,000) Dollars taxable valuation for county purposes according to the valuation as shown on the County Tax Assessor-Collector's rolls for the current year of 1938, and providing for payment of such salaries and the funds from which such salaries shall be paid; repealing all laws in conflict herewith, and declaring an emergency."

The bill was read second time and was passed to third reading.

#### House Bill 1003 on Third Reading

Senator Stone of Galveston moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 1003 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin

Beck

Brownlee  
Burns  
Collie  
Cotten  
Graves  
Hardin  
Head  
Hill  
Isbell  
Kelley  
Lanning  
Lemens  
Martin  
Moffett  
Moore

Nelson  
Pace  
Roberts  
Shivers  
Small  
Spears  
Stone  
of Galveston  
Stone  
of Washington  
Sulak  
Van Zandt  
Weinert  
Winfield

Absent—Excused

Metcalfe

Redditt

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin  
Beck  
Brownlee  
Burns  
Collie  
Cotten  
Graves  
Hardin  
Head  
Hill  
Isbell  
Kelley  
Lanning  
Lemens  
Martin  
Moffett

Moore  
Nelson  
Pace  
Roberts  
Shivers  
Small  
Spears  
Stone  
of Galveston  
Stone  
of Washington  
Sulak  
Van Zandt  
Weinert  
Winfield

Absent—Excused

Metcalfe

Redditt

#### House Bill 1032 on Second Reading

On motion of Senator Kelley, and by unanimous consent, the regular order of business was suspended to permit consideration of H. B. No. 1032 at this time.

The Presiding Officer laid before the Senate on its second reading and passage to third reading:

H. B. No. 1032, A bill to be entitled "An Act authorizing incorporated cities, towns or villages, independent school districts, common school districts, drainage districts, water control and improvements districts, wa-

ter improvement districts or navigation districts in this State to avail themselves of the services of County Tax Assessors and Collectors; fixing the compensation of said county officers for said services, and declaring an emergency."

The bill was read second time and was passed to third reading.

#### House Bill 1032 on Third Reading

Senator Kelley moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 1032 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—29

|          |               |
|----------|---------------|
| Aikin    | Moore         |
| Beck     | Nelson        |
| Brownlee | Pace          |
| Burns    | Roberts       |
| Collie   | Shivers       |
| Cotten   | Small         |
| Graves   | Spears        |
| Hardin   | Stone         |
| Head     | of Galveston  |
| Hill     | Stone         |
| Isbell   | of Washington |
| Kelley   | Sulak         |
| Lanning  | Van Zandt     |
| Lemens   | Weinert       |
| Martin   | Winfield      |
| Moffett  |               |

#### Absent—Excused

Metcalf                      Redditt

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

#### Yeas—29

|          |              |
|----------|--------------|
| Aikin    | Lemens       |
| Beck     | Martin       |
| Brownlee | Moffett      |
| Burns    | Moore        |
| Collie   | Nelson       |
| Cotten   | Pace         |
| Graves   | Roberts      |
| Hardin   | Shivers      |
| Head     | Small        |
| Hill     | Spears       |
| Isbell   | Stone        |
| Kelley   | of Galveston |
| Lanning  |              |

|               |           |
|---------------|-----------|
| Stone         | Van Zandt |
| of Washington | Weinert   |
| Sulak         | Winfield  |

#### Absent—Excused

Metcalf                      Redditt

#### Report of Conference Committee on House Bill 108

Senator Van Zandt, submitted at this time the following report of the Conference Committee on H. B. No. 108:

Austin, Texas,  
May 12, 1939.

Hon. Coke R. Stevenson, President of the Senate.

and

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the House and the Senate on H. B. No. 108, have met and beg leave to recommend that the said H. B. No. 108 be passed in the form hereto attached.

Respectfully submitted,

VAN ZANDT,  
MOORE,  
PACE,  
SPEARS,  
GRAVES,

On the part of the Senate.

HOWARD,  
STINSON,  
ISAACKS,  
DANIEL,  
HANKAMER,

On the part of the House.

#### A BILL

#### TO BE ENTITLED

AN ACT conferring and relinquishing to the Supreme Court full rule-making power in civil judicial proceedings, repealing all laws and parts of laws governing practice and procedure in civil actions, such repeal effective on and after September 1, 1941, providing that no substantive law or part thereof is thereby repealed; investing the Supreme Court with full rule-making power and fixing September 1, 1941, as the time for such rules to become effective, unless disapproved by the Legislature; providing that such rules shall not abridge, enlarge or modify the sub-

stantive rights; providing for filing of such rules with the Secretary of State and report to the Legislature and its members; providing for promulgation of specific rules or amendments to rules by the Supreme Court after September 1, 1941; providing and limiting the time for such rules to become effective, unless disapproved by the Legislature, and further providing for filing of such rules with the Secretary of State and the mailing of a copy thereof to each registered member of the State Bar of Texas, and report to the Legislature; providing that the Supreme Court shall file with the Secretary of State a list of all articles or sections of the general laws of the State, in its judgment repealed by Section 1 of this Act, and further providing for the construction to be given such list; providing for publication of rules; providing that if any sentence, paragraph or section of this Act shall be held invalid or unconstitutional, that it should not invalidate any other portion of the Act, and the Legislature declares it would have passed such remaining sections despite such invalidity; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. In order to confer upon and relinquish to the Supreme Court of the State of Texas full rule-making power in civil judicial proceedings, all laws and parts of laws governing the practice and procedure in civil actions are hereby repealed, such repeal to be effective on and after September 1, 1941. Provided, however, that no substantive law or part thereof is hereby repealed.

Sec. 2. The Supreme Court is hereby invested with the full rule-making power in the practice and procedure in civil actions. Such rules shall not abridge, enlarge or modify the substantive rights of any litigant. Such rules, after promulgation by the Supreme Court, shall be filed with the Secretary of State and a copy thereof mailed to each elected member of the Legislature on or before December 1 immediately preceding the next Regular Session of the Legislature and shall be reported by the Secretary of State to the Legislature and, unless disap-

proved by the Legislature, such rules shall become effective upon September 1, 1941; provided, however, the Supreme Court may, from time to time after September 1, 1941, promulgate any specific rule or rules or any amendment or amendments to any specific rule or rules and make the same effective, except as hereinafter provided, at such time as the Supreme Court may deem expedient in the interest of a proper administration of justice, the same to remain in effect unless and until disapproved by the Legislature. Any such specific rule or rules or any such amendment or amendments to any specific rule or rules, shall be filed by the Clerk of the Supreme Court with the Secretary of State, and a copy thereof mailed by the said Clerk to each registered member of the State Bar of Texas, at least sixty days before the effective date thereof and reported by the Secretary of State to the next succeeding Regular Session of the Legislature in the same manner as hereinabove provided.

Sec. 3. At the time it files the rules, the Supreme Court shall file with the Secretary of State a list of all Articles or sections of the General Laws of the State of Texas, and parts of articles and sections of such General Laws, which, in its judgment, are repealed by Section 1 of this Act. Such list giving the construction of the Supreme Court as to the General Laws and parts of laws repealed by Section 1 shall constitute, and have the same weight and effect, as any other decision of the Supreme Court.

Sec. 4. Such rules shall be published in the official reports of the Supreme Court; and the Supreme Court is authorized to adopt such method as it may deem expedient for the printing and distributing of such rules.

Sec. 5. If any sentence, paragraph or section of this Act shall be held invalid or unconstitutional, such holding shall not invalidate any other sentence, paragraph or section hereof, and the Legislature hereby expressly declares that it would have passed such remaining sentences, paragraphs and sections despite such invalidity.

Sec. 6. The fact that the rules of practice and procedure in the Civil Courts, as prescribed by legislative enactment, often result in much unnecessary delay to litigants and in

great and unnecessary expense to litigants and to the State, and in unnecessary reversals and new trials upon technical procedural grounds, with consequent further delay and expense; and as a result the Courts are subjected to criticism calculated to weaken and undermine in the public estimate their prestige so essential to the stability of our democratic form of government; and that it is essential to place the rule-making power in civil actions in the Supreme Court, whose knowledge, experience, and intimate contact with the problems of judicial administration render that Court particularly qualified to mitigate and cure these evils create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended and the same is hereby suspended, and that this Act shall take and be in force from and after its passage, and it is so enacted.

Question—Shall the report be adopted?

The report was adopted by the following vote:

## Yeas—22

|          |              |
|----------|--------------|
| Aikin    | Moore        |
| Beck     | Nelson       |
| Brownlee | Pace         |
| Burns    | Roberts      |
| Collie   | Shivers      |
| Graves   | Small        |
| Hardin   | Stone        |
| Isbell   | of Galveston |
| Kelley   | Van Zandt    |
| Lanning  | Weinert      |
| Martin   | Winfield     |
| Moffett  |              |

## Nays—4

|        |               |
|--------|---------------|
| Cotten | Stone         |
| Hill   | of Washington |
|        | Sulak         |

## Absent

|        |        |
|--------|--------|
| Head   | Spears |
| Lemens |        |

## Absent—Excused

|         |         |
|---------|---------|
| Metcalf | Redditt |
|---------|---------|

## House Bill 994 on Second Reading

On motion of Senator Hill, and by unanimous consent, the regular order of business was suspended to permit

consideration of H. B. No. 994 at this time.

The Presiding Officer laid before the Senate on its second reading and passage to third reading:

H. B. No. 994, A bill to be entitled "An Act validating and confirming all procedure in the organization and establishing of certain school district, validating all acts and procedure of school boards and/or County Commissioners' Courts in such districts; making such acts cumulative of all laws and parts of laws not in conflict herewith, and declaring an emergency."

The bill was read second time and was passed to third reading.

## House Bill 994 on Third Reading

Senator Hill moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 994 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—29

|          |               |
|----------|---------------|
| Aikin    | Moore         |
| Beck     | Nelson        |
| Brownlee | Pace          |
| Burns    | Roberts       |
| Collie   | Shivers       |
| Cotten   | Small         |
| Graves   | Spears        |
| Hardin   | Stone         |
| Head     | of Galveston  |
| Hill     | Stone         |
| Isbell   | of Washington |
| Kelley   | Sulak         |
| Lanning  | Van Zandt     |
| Lemens   | Weinert       |
| Martin   | Winfield      |
| Moffett  |               |

## Absent—Excused

|         |         |
|---------|---------|
| Metcalf | Redditt |
|---------|---------|

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—29

|       |          |
|-------|----------|
| Aikin | Brownlee |
| Beck  | Burns    |



|         |               |
|---------|---------------|
| Collie  | Pace          |
| Cotten  | Roberts       |
| Graves  | Shivers       |
| Hardin  | Small         |
| Head    | Spears        |
| Hill    | Stone         |
| Isbell  | of Galveston  |
| Kelley  | Stone         |
| Lanning | of Washington |
| Lemens  | Sulak         |
| Martin  | Van Zandt     |
| Moffett | Weinert       |
| Moore   | Winfield      |
| Nelson  |               |

Absent—Excused

|         |         |
|---------|---------|
| Metcalf | Redditt |
|---------|---------|

**Committee Substitute for House Bill 933 on Passage to Third Reading**

The Senate resumed consideration of pending business, same being C. S. H. B. No. 933, the school aid bill, on its passage to third reading.

Senator Hill offered the following amendment to the bill:

Amend H. B. No. 933, Section 25, page 9, line 34, by adding a new sentence to read as follows: "Any person who shall use any funds provided hereunder for any purpose other than for the uses and purposes set forth in this Act shall be deemed guilty of embezzlement, and upon conviction thereof punished as provided under the Penal Code of the State of Texas."

The amendment was adopted.

Senator Hill offered the following amendment to the bill:

Amend H. B. No. 933, page 3, line 17, by inserting after the word "herein," a new sentence to read as follows: "The enumeration of scholastics provided for in this section shall mean the enumeration of the year next preceding the year of the grant of state aid hereunder."

Senator Aikin moved to table the amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—17

|          |         |
|----------|---------|
| Aikin    | Head    |
| Brownlee | Kelley  |
| Burns    | Lanning |

|         |               |
|---------|---------------|
| Martin  | Stone         |
| Moffett | of Galveston  |
| Nelson  | Stone         |
| Pace    | of Washington |
| Roberts | Sulak         |
| Shivers | Van Zandt     |
| Small   | Winfield      |

Nays—8

|        |         |
|--------|---------|
| Beck   | Hill    |
| Collie | Isbell  |
| Cotten | Moore   |
| Graves | Weinert |

Absent

|        |        |
|--------|--------|
| Hardin | Spears |
| Lemens |        |

Absent—Excused

|         |         |
|---------|---------|
| Metcalf | Redditt |
|---------|---------|

Senator Hill offered the following amendment to the bill:

Amend H. B. No. 933, page 2, Section 2, line 55, by adding a new sentence as follows: "The scholastic population shall be determined by the enumeration of scholastics of the year next preceding the grant of aid provided under this Act."

Senator Aikin raised a point of order against consideration of the amendment on the ground that it proposes to change a general law by adding a special provision for that purpose to an appropriation bill.

The Presiding Officer (Senator Roberts) sustained the point of order.

Senator Hill offered the following amendment to the bill:

Amend H. B. No. 933, page 3, Section 5, line 27 by inserting after the word "enrollment" the words: "based on the enrollment of the year next preceding the year the aid granted hereunder is sought."

On motion of Senator Aikin, the amendment was tabled.

Senator Van Zandt offered the following amendment to the bill:

Amend H. B. No. 933 by striking out the following: "Section 11" and substitute in lieu thereof "This Section" as same appears on page 5, line 4, of said bill.

(President in the Chair.)

The amendment was adopted.

Senator Van Zandt offered the following amendment to the bill:

Amend H. B. No. 933 by striking out the word "not" in line 48 and page 4, and substitute in lieu thereof the word "out."

The amendment was adopted.

Senator Van Zandt offered the following amendment to the bill:

Amend Section 4 of H. B. No. 933 by striking out the word and figure "two (2)" and substituting in lieu thereof the word and figure "four (4)."

Senator Aikin moved to table the amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

#### Yeas—14

|          |          |
|----------|----------|
| Aikin    | Kelley   |
| Beck     | Lanning  |
| Brownlee | Lemens   |
| Burns    | Moffett  |
| Hardin   | Roberts  |
| Head     | Shivers  |
| Isbell   | Winfield |

#### Nays—10

|        |              |
|--------|--------------|
| Collie | Small        |
| Graves | Stone        |
| Hill   | of Galveston |
| Martin | Sulak        |
| Moore  | Van Zandt    |
| Nelson |              |

#### Present—Not Voting

Weinert

#### Absent

|        |              |
|--------|--------------|
| Cotten | Stone        |
| Pace   | of Galveston |
| Spears |              |

#### Absent—Excused

|          |         |
|----------|---------|
| Metcalfe | Redditt |
|----------|---------|

Senator Van Zandt offered the following amendment to the bill:

Amend H. B. No. 933, page 4, Section 10, by striking out all of said section beginning with the word "Transportation" in line 60 of said page 4.

Senator Moffett moved to table the amendment.

Yeas and nays were demanded, and the motion to table was lost by the following vote:

#### Yeas—12

|          |               |
|----------|---------------|
| Aikin    | Moffett       |
| Brownlee | Pace          |
| Collie   | Stone         |
| Head     | of Galveston  |
| Kelley   | Stone         |
| Lanning  | of Washington |
| Lemens   | Winfield      |

#### Nays—13

|        |           |
|--------|-----------|
| Beck   | Nelson    |
| Burns  | Roberts   |
| Graves | Small     |
| Hill   | Sulak     |
| Isbell | Van Zandt |
| Martin | Weinert   |
| Moore  |           |

#### Absent

|        |         |
|--------|---------|
| Cotten | Shivers |
| Hardin | Spears  |

#### Absent—Excused

|          |         |
|----------|---------|
| Metcalfe | Redditt |
|----------|---------|

Question recurring on the amendment, it was adopted.

Senator Beck offered the following amendment to the bill:

Amend H. B. No. 933, page 7, line 2, by changing the words September 10th to October 1st.

Senator Small moved the previous question on the amendment and the passage of the bill to third reading, and the main question was ordered.

The amendment was adopted.

The bill was passed to third reading.

#### Committee Substitute for House Bill 933 on Third Reading

Senator Aikin moved that the constitutional rule requiring bills to be read on three several days be suspended and that Committee Substitute H. B. No. 933 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—29

|       |          |
|-------|----------|
| Aikin | Brownlee |
| Beck  | Burns    |

|         |               |
|---------|---------------|
| Collie  | Pace          |
| Cotten  | Roberts       |
| Graves  | Shivers       |
| Hardin  | Small         |
| Head    | Spears        |
| Hill    | Stone         |
| Isbell  | of Galveston  |
| Kelley  | Stone         |
| Lanning | of Washington |
| Lemens  | Sulak         |
| Martin  | Van Zandt     |
| Moffett | Weinert       |
| Moore   | Winfield      |
| Nelson  |               |

Absent—Excused

Metcalfe                      Redditt

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### Message from the House

The Clerk from the House was recognized to present the following message:

Hall of the House of Representatives.  
Austin, Texas,  
May 12, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has concurred in Senate Amendments to H. B. No. 922 by a vote and 110 yeas, 0 noes.

The House has concurred in Senate Amendments to H. B. No. 928 by a vote of 120 yeas, 0 noes.

The House refused to concur in Senate amendments to House Bill No. 904 and has requested the appointment of a conference committee to consider the differences between the two houses. The following have been appointed on the part of the House: Pevehouse, Langdon, Dickison, Johnson of Ellis and Worley.

The House has adopted the Conference Committee Report on H. B. No. 108 by a vote of 105 yeas, 2 noes.

Respectfully submitted,

E. R. LINDLEY,

Chief Clerk, House of Representatives.

#### Requesting Report from Board of County and District Road Indebtedness

Senator Moore, by unanimous consent, submitted at this time the following motion:

I move that the Secretary of the Senate be directed to write the Board of County and District Road Bond Indebtedness and request it to file with the President of the Senate, as provided by law, a copy of the report to the Governor showing the acts, investments and changes in investments within ninety (90) days of the end of any any calendar year, and further request that such Board inform the Senate why such was not done.

The motion prevailed.

#### Conference Committee on Senate Bill 118

Senator Aikin called S. B. No. 118 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

Question—Shall the Senate concur in the House amendments?

Senator Aikin moved that the Senate do not concur in the House amendments and that a conference committee be requested to adjust the differences between the two Houses on the bill.

The motion prevailed.

Accordingly, the President appointed the following conferees on the bill on the part of the Senate: Aikin, Small, Weinert, Redditt and Cotten.

#### Bills Signed

The President signed, in the presence of the Senate, after their captions had been read, the following enrolled bills:

H. B. No. 196, "An Act releasing all penalty and interest accrued on ad valorem city taxes which were delinquent on June 1, 1938, in all cities in this State having a population of not less than two hundred thou-

sand (200,000) nor more than two hundred and fifty thousand (250,000) by the last preceding Federal Census, provided said taxes are paid on or before June 1, 1939, and declaring an emergency."

H. B. No. 108, "An Act conferring and relinquishing to the Supreme Court full rule-making power in Civil Judicial proceedings, repealing all laws and parts of laws governing practice and procedure in civil actions, such repeal effective on and after January 1, 1940, providing that no substantive law or part thereof is thereby repealed, authorizing and empowering the Supreme Court by general order to continue such statutes in force as rules of the Court; investing the Supreme Court with full rule-making power and fixing the time for such to become effective, and declaring an emergency."

S. B. No. 220, "An Act fixing the compensation of county auditors in every county having a population of not less than fifty-one thousand, seven hundred seventy-nine (51,779) nor more than fifty-two thousand (52,000) inhabitants according to the last preceding United States Census; amending Article 1645, Title 34 of the Revised Civil Statutes of 1925, as amended by Acts 1937, Forty-fifth Legislature, First Called Session, page 1827, Chapter 45, Section 3; repealing all laws and parts of laws in conflict herewith; providing a saving clause; and declaring an emergency."

S. B. No. 75, "An Act to regulate Brokers who sell transportation or who make any contract, agreement, or arrangement to provide, procure, furnish, or arrange for transportation, furnish information relative to such transportation, or introduce parties; to require such Brokers to have a broker's license; defining certain terms; providing for the issuance, also the cancellation, of such license by the Railroad Commission of Texas; fixing the conditions under which such license may be issued; providing that the Railroad Commission may make reasonable rules and regulations applicable to all persons holding broker's license, providing for hearings; requiring a bond; providing for reviews of orders of the Commission; fixing a tax; providing penalties; and declaring an emergency."

#### Committee Substitute for House Bill 926 on Second Reading

On motion of Senator Aikin and by unanimous consent, the regular order of business was suspended to permit consideration of Committee Substitute H. B. No. 926 at this time.

The President laid before the Senate on its second reading and passage to third reading:

C. S. for H. B. No. 926, A bill to be entitled "An Act appropriating the sum of Eight Hundred Eighty Thousand, Three Hundred Thirty-two (\$880,332.00) Dollars per year, or so much thereof as may be necessary for the next biennium beginning September 1, 1939, and ending August 31, 1941, from the General Revenue Fund for the purpose of promoting public school interests and assisting local districts in the teaching of vocational agriculture, home economics, trades and industries, general rehabilitation and rehabilitation for crippled children according to the Federal Laws governing vocational education, all of which shall be matched by Federal funds; providing for the administration, attaching conditions, regulations and limitation relative thereto, making various allocations of said appropriation; authorizing aid to such schools in accordance with the condition specified herein; providing for certain regulations concerning qualification of teachers; providing all costs of administering funds named in this Act shall be paid out of moneys appropriated in this Act under authority of the State Superintendent of Public Instruction under the direction of the State Board of Education; defining the powers of the State Board of Education and the State Superintendent; declaring the rule in event any provision of this Act is unconstitutional or invalid, repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

The bill was read second time.

Senator Head offered the following amendment to the bill:

Amend H. B. No. 926, page 2, lines 27 and 28 by striking out the words and figures "One hundred and fifty thousand dollars (\$150,000)" and inserting in lieu thereof the following "Two hundred thousand dollars (\$200,000.00)."

The amendment was adopted.

The bill was passed to third reading.

**Committee Substitute for House Bill 926 on Third Reading**

Senator Aikin moved that the constitutional rule requiring bills to be read on three several days be suspended and that Committee Substitute H. B. No. 926 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

|          |               |
|----------|---------------|
| Aikin    | Moore         |
| Brownlee | Nelson        |
| Burns    | Pace          |
| Collie   | Roberts       |
| Cotten   | Shivers       |
| Graves   | Small         |
| Hardin   | Spears        |
| Head     | Stone         |
| Hill     | of Galveston  |
| Isbell   | Stone         |
| Kelley   | of Washington |
| Lanning  | Sulak         |
| Lemens   | Van Zandt     |
| Martin   | Weinert       |
| Moffett  | Winfield      |

Absent—Excused

|          |         |
|----------|---------|
| Beck     | Redditt |
| Metcalfe |         |

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

**Leave of Absence Granted**

Senator Beck was granted leave of absence for the remainder of today on account of important business, on motion of Senator Burns.

**House Bill 688 Set as Special Order**

On motion of Senator Small and by unanimous consent, H. B. No. 688 was set as a special order for Tuesday, May 16, 1939, immediately after conclusion of the morning call on that day.

**Report of Conference Committee on Senate Bill 69**

Senator Van Zandt submitted at this time the following report of the Conference Committee on S. B. No. 69:

Austin, Texas,  
May 11, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sirs: We, your Free Conference Committee, appointed to adjust the differences between the Senate and House on

S. B. No. 69, A bill to be entitled "An Act withdrawing from appearing party review in Court of Civil Appeals by means of writ of error and declaring an emergency,"

Beg leave to report that we have adjusted the differences and recommend that Senate Bill No. 69 be passed in the attached form.

VAN ZANDT,  
GRAVES,  
PACE,  
MARTIN,  
MOORE,

On the Part of the Senate.

HOWARD,  
STINSON,  
GORDON,  
HANKAMER,  
ISAACKS,

On the Part of the House.

S. B. 69. By Van Zandt, Small.

**A BILL  
TO BE ENTITLED**

An Act providing that no party who participates either in person or by his attorney in the actual trial of the case in the trial court shall be entitled to review by the Court of Civil Appeals through means of writ of error; providing for a repeal of all laws and parts of laws insofar as they conflict with this Act or repeal; providing that writ of error shall continue to be available under the rules and regulations of the law, to a party who does not participate in the trial of the case in the trial court; providing for the effective date of this act, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. No party who participates either in person or by his attorney in the actual trial of the case in the trial court shall be entitled to review by the Court of Civil Appeals through means of writ of error.

Sec. 2. All laws and parts of laws, insofar as they conflict with this Act, are repealed. Writ of error shall continue to be available under the rules and regulations of the law to a party who does not participate in the trial of the case in the trial court.

Sec. 3. It is hereby provided that this Act shall take effect from and after January 1, 1940.

Sec. 4. The need that delay of justice be not caused by parties who should reasonably use appeal instead of writ of error and the near approach of the end of the Session creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and said rule is suspended and this Act shall take effect from and after its passage and it is so enacted.

Question — Shall the report be adopted?

The report was adopted.

#### Senate Bill 402 with House Amendments

Senator Roberts called up Senate Bill No. 402 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

Question—Shall the Senate concur in the House amendments?

The Senate concurred in the House amendments by the following vote:

#### Yeas—15

|          |              |
|----------|--------------|
| Aikin    | Nelson       |
| Brownlee | Pace         |
| Graves   | Roberts      |
| Head     | Small        |
| Kelley   | Stone        |
| Martin   | of Galveston |
| Moffett  | Van Zandt    |
| Moore    | Weinert      |

#### Nays—10

|        |          |
|--------|----------|
| Burns  | Lanning  |
| Cotten | Lemens   |
| Hardin | Shivers  |
| Hill   | Sulak    |
| Isbell | Winfield |

#### Absent

|        |               |
|--------|---------------|
| Collie | Stone         |
| Spears | of Washington |

#### Absent—Excused

|          |         |
|----------|---------|
| Beck     | Redditt |
| Metcalfe |         |

#### Reports of Standing Committees

Senator Weinert, by unanimous consent, submitted at this time the following reports of the Committee on State Affairs:

Austin, Texas,  
May 12, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 461, A bill to be entitled "An Act providing that any person of good moral character who, on May 22, 1937, had been engaged in the practice of architecture in this State for a period of at least six months prior to said date and who failed to obtain a registration certificate as provided for in Section 7 of Chapter 478, Acts of 1937, Forty-fifth Legislature, may have thirty (30) days from the date upon which this act goes into effect in which to file with the Board of Architectural Examiners the affidavit and pay the fee of \$25.00 in order to obtain a certificate authorizing such person to practice Architecture in the State of Texas, as provided in said Act, and further amending said Act; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

WEINERT, Chairman.

Austin, Texas,  
May 12, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 460, by Shivers, A bill to be entitled "An Act validating bonds of any city having a population of more than fifty thousand (50,000) and less than one hundred thousand (100,000), according to the last preceding United States Census, and operating under a home rule charter adopted pursuant to Amended Section 5, Article 11, Texas Constitution, which bonds have been heretofore voted subsequent to the enactment of Chapter

382, General Laws passed by the Forty-fourth Legislature, at its First Called Session in 1935, and which bonds are payable from the levy of ad valorem taxes; authorizing such city to complete its proceedings for the authorization and delivery of such bonds, etc.; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

WEINERT, Chairman.

Senator Hardin, by unanimous consent, submitted at this time the following reports of the Committee on Counties and County Boundaries:

Austin, Texas,  
May 10, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 1049, A bill to be entitled "An Act providing for rural school supervisor in certain counties; providing for salary for such supervisor; providing traveling and other expenses for such supervisor; making said Act cumulative of all other laws and parts of laws regarding public education; prescribing duties of such supervisor; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

HARDIN, Chairman.

Austin, Texas,  
May 12, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 1061 by Clark, A bill to be entitled "An Act providing amount of payment to the Executive Committee in order to have the name placed on official ballot for Representative and Floterial Representative and Floterial Representative No. 2 in certain counties; repealing all laws and parts of laws in conflict here-

with to the extent of the conflict only; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended and be not printed.

HARDIN, Chairman.

Austin, Texas,  
May 12, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 994, A bill to be entitled "An Act validating and confirming all procedure in the organization and establishment of certain school districts in certain counties; validating all acts and procedure of school boards and /or County Commissioners Courts in such districts; making such Act cumulative of all laws and parts of laws not in conflict herewith; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

HARDIN, Chairman.

#### Message from the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,  
Austin, Texas, May 12, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has granted the request of the Senate for the appointment of a Conference Committee to consider the differences between the two Houses on Senate Bill No. 118. The following are conferees on the part of the House:

Brown of Cherokee, Lock, Chambers, Thornton, Hankamer.

The House has concurred in Senate amendments to House Bill No. 852 by viva voce vote.

The House has passed the following bills and resolutions:

H. B. No. 85, A bill to be entitled "An Act making an appropriation to pay the apportionment to all counties in this State in which the officers are compensated on a salary basis as provided in Section 6, Subsection a, Chapter 465, Acts of the Forty-fourth Legislature, Second Called Session; making an appropriation to all such counties having a Criminal District Attorney or a County Attorney performing the duties of the District Attorney as provided in Section 13, Subsection b, Chapter 465, Acts of the Forty-fourth Legislature, Second Called Session, and declaring an emergency."

The House has adopted the Conference Committee Report on S. B. No. 69 by a viva voce vote.

The House has adopted the Conference Committee Report on Senate Bill No. 206 by a vote of 112 ayes, 9 noes.

The House refused to concur in Senate amendments to House Bill No. 255, and has requested the appointment of a Conference Committee to consider the differences between the two houses. The following are appointed on part of the House:

Thornton, Heflin, Hankamer, London, McDonald.

The House has granted the request of the Senate for the appointment of a Conference Committee on Senate J. R. No. 4. The following are appointed on part of the House:

Little, Donaghey, Gilmer, Bell, Stinson.

Respectfully submitted,

E. R. LINDLEY,  
Chief Clerk, House of Representatives.

#### Conference Committee on House Bill 255

Senator Roberts called up from the President's table, for consideration at this time, the request of the House for a Conference Committee on H. B. No. 255.

Senator Roberts moved that the request of the House be granted.

The motion prevailed.

Accordingly, the President appointed the following conferees on the bill on the part of the Senate:

Senators Roberts, Lanning, Metcalfe, Stone of Washington, and Weinert.

#### Conference Committee on House Bill 904

Senator Van Zandt called up from the President's table, for consideration at this time, the request of the House for a Conference Committee on H. B. No. 904.

Senator Van Zandt moved that the request of the House be granted.

The motion prevailed.

Accordingly, the President appointed the following conferees on the bill on the part of the Senate:

Senators Van Zandt, Cotten, Lemens, Shivers, and Kelley.

#### House Bill on First Reading

The following bill received from the House today, was laid before the Senate, read first time, and referred to the committee indicated:

H. B. No. 85 to Committee on Finance.

#### Bills and Resolution Signed

The President signed in the presence of the Senate the following enrolled bills and resolution:

H. B. No. 922, "An Act authorizing any county having title to a plot of ground used for public purposes, the area of which is in excess of the needs of the county for its public purposes, to sell such excess for any part thereof at private sale for any consideration deemed valuable in law and approved by its Commissioners' Court to the United States of America under the provisions of its statutes authorizing the acquisition of sites for public buildings; vesting in the Commissioners' Court the power to make such sales and prescribing its procedure in regard thereto and how and by whom conveyance is to be made in carrying out any such sale; validating and legalizing all proceedings and orders heretofore had and made by the Commissioners' Court of any county undertaking to make any such sale to the United States of America as well as any deed executed and delivered or hereafter executed and delivered, carrying out any such sale, and declaring an emergency."



H. B. No. 997, "An Act applicable to the County of Kerr, State of Texas, providing the season for taking or attempting to take fish from the fresh public waters of said County, or the tributaries of said water, and providing suitable penalty for violating any provision of this Act, and declaring an emergency."

H. B. No. 928, "An Act amending Article 4705, Article 4706, and Article 4993 and repealing Article 5006 of the Revised Civil Statutes of Texas of 1925, designated the funds and securities of which the capital stock of insurance companies incorporated under the provisions of Title 78, Chapter 2 of the Revised Civil Statutes of Texas, shall consist, designating the securities in which funds of such companies may be invested, providing certain limitations on the amount of capital stock of general casualty companies and requiring deposits to be made by such companies, and declaring an emergency."

H. B. No. 1027, "An Act amending Article 2350 of the Revised Civil Statutes of 1925, as amended by the Forty-fifth Legislature so as to add thereto a new Section known as 2350 (5), providing for actual and necessary traveling expenses for Commissioners in the conduct of office in certain counties, and providing for source of payment of such expenses and approval thereof, and declaring an emergency."

H. B. No. 27, "An Act amending Chapter 44, page 67, Acts of the Fortieth Legislature of the State of Texas, passed in 1927, and declaring an emergency."

H. B. No. 29, "An Act amending Article 2246, Revised Civil Statutes of Texas, 1925, and declaring an emergency."

H. B. No. 31, "An Act amending Article 3370, Revised Civil Statutes of Texas, 1925, and declaring an emergency."

H. B. No. 490, "An Act amending H. B. No. 38, Chapter 7, page 13, of the General and Special Laws of the Forty-fifth Legislature, Third Called Session, 1934, providing for open season for taking squirrels in Nacogdoches County; providing penalties; repealing all laws in so far as they may be in conflict, and declaring an emergency."

H. B. No. 1017, "An Act making it unlawful to catch by the use of seine of not less than three (3) inch mesh any fish in the waters of the Sabine River in Sabine County. Repealing all laws and parts of laws in conflict herewith to the extent of conflict only, provided this Act shall not apply to other streams in Sabine County, and declaring an emergency."

H. B. No. 1045, "Act Act giving the Commissioners' Courts authority to fix the salary of the County Judge, Tax Assessor-Collector, County Clerk, District Clerk, Sheriff, and Criminal District Attorney in all counties in this State having a population of not less than thirty thousand and nine hundred (30,900) nor more than thirty-one thousand (31,000), according to the last preceding Federal Census; prescribing the minimum salary; fixing mode and manner of payment of such salaries; fixing effective date; repealing all laws and parts of laws in conflict herewith, to the extent of the conflict only, and declaring an emergency."

H. B. No. 1051, "An Act granting permission to W. V. Guthries, a citizen of the State of Texas, to bring and prosecute suit against the State of Texas, and the State Highway Commission of Texas in any court of competent jurisdiction in the State of Texas to ascertain the amount, if any, due the said W. V. Guthrie for damages alleged to have been sustained by reason of injuries suffered, if any, while working for the State Highway Department on or about October 27, 1937; said suit shall be tried according to the rules of law and equity and procedure as would be applicable if the suit was one for the recovery of compensation insurance by any citizen against the State Highway Commission of Texas if the said State Highway Commission of Texas had complied with all the requirements of Article 6674S of the Revised Civil Statutes of the State of Texas on the date of the injury and had in effect compensation insurance the said time; providing for right of appeal by either party and for the joinder of other property, etc., and declaring an emergency."

H. B. No. 958, "An Act providing for a budget system in counties of 350,000 inhabitants or more as shown

by the last preceding Federal Census, and the procedure thereunder, and the enforcement thereof, and for reports with respect to said budget, and the finances of said Counties; and providing for the contents of said reports and their publication; and repealing all laws in conflict herewith, and declaring an emergency."

H. B. No. 1006, "An Act to ratify all acts and proceedings of the County Board of School Trustees in any county in the State in consolidating common school districts to independent school districts having a scholastic population of not less than two hundred and fifty (250) and more than four hundred (400), according to the scholastic census at the time of the consolidation and ratifying and confirming all acts and proceedings of the Board in any way relating to such consolidation, and declaring an emergency."

H. B. No. 965, "An Act declaring a certain area adjacent to the town of Rockport, Aransas County, Texas, a Wildlife Sanctuary; providing a suitable penalty for hunting thereon; repealing all conflicting laws, and declaring an emergency."

H. B. No. 906, "An Act authorizing the Commissioners' Court of any county having a population of not less than thirty-seven thousand, five hundred (37,500) and not more than thirty-eight thousand, six hundred (38,600) inhabitants, according to the last preceding Federal Census, to allow each County Commissioner the sum of Fifty (\$50.00) Dollars per month for traveling expenses; providing for the source of payment of such expenses, and declaring an emergency."

H. B. No. 466, "An Act exempting from all State and county ad valorem and occupation taxes certain office buildings of Parents and Teachers Associations, providing a saving clause, and declaring an emergency."

H. B. No. 801, "An Act authorizing County Commissioners' Courts in certain counties to pay employees' salaries while ill or injured, providing payment of such salaries, providing mode and manner of payment of such salaries, providing vacation periods for employees in certain counties, providing number of days of said vacation during any calendar year, pro-

viding for full compensation during such vacation, and declaring an emergency."

H. B. No. 1022, "An Act providing an open season when it shall be lawful to hunt, take, or kill squirrels in Angelina County, Texas; fixing a penalty for the violation hereof; repealing all laws in conflict herewith, and declaring an emergency."

H. B. No. 968, "An Act providing for more adequate and equitable salaries for County Superintendents of Public Instruction in all those counties of Texas coming within the brackets and population figures herein, specially in all those counties having not less than twenty thousand seven hundred and ninety (20,790) and not more than twenty thousand eight hundred and twenty-five (20,825) according to the last preceding Federal Census; modifying all laws or parts of laws in conflict herewith; making the Act cumulative of the general law; and declaring an emergency."

H. B. No. 1010, "An Act providing for a rural school music supervisor in certain counties; prescribing the duties of said supervisor; prescribing the method of employing the supervisor; providing for removal of such supervisor by the County Board of School Trustees on recommendation of the county superintendent; prescribing manner of fixing and paying salary, and declaring an emergency."

H. B. No. 1052, "An Act validating the subdivision of common county line school districts partly situated in two (2) counties, the supervision of said schools being located in counties having a population of not less than thirty thousand ten (30,010) and not more than thirty thousand, thirty (30,030), as shown by the last preceding Federal Census; validating the acts of the County School Boards of Trustees of such counties in annexation of such subdivided territory to adjoining school districts in their respective counties; validating the acts of County School Boards of Trustees of such county; validating all elections, tax assessments, assessment rolls, tax rolls, and the levy of taxes by said districts; validating all proceedings had in the issuance of bonds and the levy of taxes therefor; validating the issuance of refunding bonds for the purpose of the assump-

tion of bonded indebtedness of such county line school districts; provided a saving clause, and declaring an emergency."

H. B. No. 656, "An Act to amend Articles 3334-3334A, Title 54 of the Revised Civil Statutes of Texas, Revision 1925, as amended by adding a section to be known as Article 3334A, validating the Acts of Probate Courts in certain cases, and declaring an emergency."

H. B. No. 443, "An Act making it unlawful to reproduce or forge any archeological object, representing same to be original, selling or exchanging the same or knowingly have possession of same, providing for a penalty, and declaring an emergency."

H. B. No. 1047, "An Act granting permission to W. E. Gorham, a citizen of the State of Texas, to bring and prosecute suit."

H. B. No. 686, "An Act making an appropriation for Upper Red River Flood and Irrigation District, and declaring an emergency."

H. B. No. 919, "An Act permitting the taking of fish in public waters and streams of Erath and Hood Counties with certain exceptions; permitting the taking of minnows in certain cases; affixing penalties for violation thereof; repealing all laws and parts of laws in conflict herewith, and especially repealing House Bill No. 351, passed at the Regular Session of the Forty-sixth Legislature, 1939, and declaring an emergency."

H. C. R. No. 58, Requesting the Supreme Court to promulgate a District Court Rule in the form of Federal Rule 16 adopted by the United States Federal Courts.

H. B. No. 700, "An Act providing that no newspaper, magazine, or other publication, published daily, bi-weekly, monthly, or otherwise, shall sell, solicit, bargain for, offer or accept political advertisements for money, other consideration, or favors, from more than one candidate for any or all political offices, unless such publication shall have been published and circulated generally for at least twelve (12) months next preceding the acceptance of such political advertisement; provided that this Act shall not apply to those newspapers

meeting certain qualifications herein set out; providing a penalty for the breach of this Act, and declaring an emergency."

H. B. No. 808, "An Act to amend Article 1645, Title 34, of the Revised Civil Statutes of the State of Texas of 1925, as amended by Chapter 35, General and Special Laws passed at the First Called Session of the Fortieth Legislature, as amended by Chapter 28, General and Special Laws passed at the First Called Session of the Forty-first Legislature, as amended by Chapter 15, General and Special Laws passed at the Second Called Session of the Forty-second Legislature, relating to the appointment and compensation of County Auditors in counties containing a population of thirty-five thousand (35,000) inhabitants, or over, according to the preceding Federal Census, or having a tax valuation of Fifteen Million (\$15,000,000) Dollars, according to the last proved tax rolls; and providing that in all counties of not less than seven thousand, six hundred and eighty (7,680) inhabitants and not more than seven thousand, seven hundred (7,700) inhabitants, according to the 1930 Census, the Commissioners' Courts thereof shall have the power to determine whether an Auditor for such county is a public necessity; etc., and declaring an emergency."

H. B. No. 1062, "An Act declaring a two (2) year closed season on wild fox in certain counties; providing a penalty for violation of this Act, and declaring an emergency."

H. B. No. 459, "An Act to amend Article 1965 of the Revised Civil Statutes as amended by Chapter 48, Acts, 1929, Forty-first Legislature, First Called Session, by providing the time for the County Judge to sign minutes of probate proceedings, and declaring an emergency."

H. B. No. 735, "An Act authorizing the Commissioners' Court of any County in this State or the governing body of any other subdivision of this State to enter into agreements with the Texas State Employment Service for the establishment and maintenance of a free public employment service within such county or political subdivision and authorizing the Commissioners' Court of any county or the governing body of any other political subdivision to appro-

priate and expend moneys for such purpose."

H. B. No. 1036, "An Act to provide for the maximum maintenance and bond tax rate for school purposes in all independent school districts in counties having a population of not less than fifty-one thousand, seven hundred and fifty (51,750) and not more than fifty-two thousand (52,000) inhabitants, according to the last preceding Federal Census, and containing in such independent school district a city of not less than twenty-seven thousand, seven hundred and forty (27,740) and not more than twenty-seven thousand, eight hundred (27,800) inhabitants, according to the last preceding Federal Census; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

H. B. No. 1023, "An Act declaring it unlawful for any person to kill, take, or have in his possession for purpose of sale in Angelina and Tyler Counties any wild fox or the pelts thereof, providing that this law shall be in force for a period of two (2) years; providing various exceptions and exemptions; prescribing a penalty for the violation of the provisions of this Act; repealing all laws in conflict, and declaring an emergency."

H. B. No. 513, "An Act to amend Chapter 17, Special Acts of the First Called Session of the Forty-second Legislature, being Senate Bill No. 44, permitting the seining of fish during the months of July, August and September of any years in Hunt, Kaufman and Rains Counties, and declaring an emergency."

#### Motion to Set Senate Bill 3 as a Special Order

Senator Brownlee moved that S. B. No. 3 be set as a special order for next Monday, May 15, 1939, immediately after conclusion of the morning call on that day.

Question—Shall the motion prevail?

#### Adjournment

Senator Cotten moved that the Senate adjourn until 10:00 o'clock a. m. Monday, May 15, 1939.

Yeas and nays were demanded, and the motion prevailed by the following vote:

#### Yeas—17

|         |           |
|---------|-----------|
| Burns   | Nelson    |
| Cotten  | Pace      |
| Graves  | Small     |
| Hardin  | Spears    |
| Isbell  | Sulak     |
| Lanning | Van Zandt |
| Lemens  | Weinert   |
| Martin  | Winfield  |
| Moore   |           |

#### Nays—9

|          |              |
|----------|--------------|
| Aikin    | Kelley       |
| Brownlee | Roberts      |
| Collie   | Shivers      |
| Head     | Stone        |
| Hill     | of Galveston |

#### Absent

|         |                        |
|---------|------------------------|
| Moffett | Stone<br>of Washington |
|---------|------------------------|

#### Absent—Excused

|          |         |
|----------|---------|
| Beck     | Redditt |
| Metcalfe |         |

The Senate, accordingly, at 5:05 o'clock p. m., adjourned until 10:00 o'clock a. m. Monday, May 15, 1939.

### APPENDIX

#### Reports of Committees on Engrossed and Enrolled Bills

Austin, Texas,  
May 12, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Engrossed bills, have had S. C. R. No. 48 carefully examined, compared and read, and find same correctly engrossed.

LANNING, Chairman.

Austin, Texas,  
May 10, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 200 carefully examined, compared and read, and find same correctly engrossed.

LANNING, Chairman.

Austin, Texas,  
May 11, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 75 carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston, Chairman.

Austin, Texas,  
May 11, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 220 carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston, Chairman.

### SIXTY-EIGHTH DAY

(Monday, May 15, 1939)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Stevenson.

The roll was called, and the following Senators were present:

|          |               |
|----------|---------------|
| Aikin    | Nelson        |
| Beck     | Pace          |
| Brownlee | Redditt       |
| Burns    | Roberts       |
| Collie   | Shivers       |
| Cotten   | Small         |
| Graves   | Spears        |
| Hardin   | Stone         |
| Hill     | of Galveston  |
| Isbell   | Stone         |
| Kelley   | of Washington |
| Lanning  | Sulak         |
| Metcalfe | Van Zandt     |
| Moffett  | Weinert       |
| Moore    |               |

Absent

|        |          |
|--------|----------|
| Head   | Martin   |
| Lemens | Winfield |

A quorum was announced present.

The invocation was offered by the Chaplain.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of Friday, May 12, 1939, was dispensed with and the Journal was approved.

### Reports of Standing Committees

Senator Aikin submitted the following report of the Committee on Education:

Austin, Texas,  
May 15, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

H. B. No. 1015 by Cleveland and Dowell, A bill to be entitled "An Act amending Section 4 of House Bill No. 899, Chapter 146 of the Local and Special Laws, page 572 of the Regular Session of the Thirty-third Legislature, 1913, fixing number of school trustees in Kyle Independent School District in Hays County; repealing all laws and parts of laws, General and Special, in conflict herewith; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

AIKIN, Chairman.

Senator Spears submitted the following report of the Committee on Labor:

Austin, Texas,  
May 12, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Labor, to whom was referred

H. B. No. 419, A bill to be entitled "An Act amending Sections 3, 5, and 12, of House Bill 352 of the Regular Session of the Forty-fifth Legislature, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that the Committee Substitute do pass in lieu of the original House Bill No. 419, and be printed.

SPEARS, Chairman.

Senator Weinert submitted the following report of the Committee on State Affairs:

Austin, Texas,  
May 15, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred